Supreme Court, U.S.
FILED

150 (1) 09-794 DEC 8 - 2009

OFFICE OF THE CLERK
William K. Suter, Clerk

NO.

In the
Supreme Court of the United States

ARNOLD DEWALT BEVERLY

Petitioner

vs.

UNITED STATES OF AMERICA

Respondent

On Petition For A Writ Of Certiorari

To The United States Court Of Appeals

For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

ARNOLD DEWALT BEVERLY

P.O. Box 1203 Bakersfield CA 93302

[702] 418-7710 *ProSe*

QUESTION PRESENTED FOR REVIEW

In ARNOLD DEWALT BEVERLY v. UNITED STSTES OF AMERICA in the Ninth Circuit Court of Appeals ORDER Filed Sep. 30, 2009 within the 9th Cir. Gen. Ord. 6.11. Removed FRCP 12 (d); the courts below denied petitioner relief to in the court's own words "protect the courts interest" and as a result a procedural miscarriage of justice would result. The question presented is:

Why has the court refused to examine high crimes the Law makes criminal and denied due process?

LIST OF PARTIES

All parties appear in the captain of the case on the cover page

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Arnold Dewalt Beverly, respectfully prays that a writ of certiorari be issued to review the procedure below.

OPINIONS BELOW

The order of the United States Court of Appeals for the Ninth Circuit to the Petition

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JURISDICTION

The United States Court of Appeals for the Ninth Circuit decided Petitioner's case on September 30, 2009. Petitioner timely filed petition for certiorari paid docketing fees and submitted a petition in compliance

with RULE 33.1. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1253, the common law: and Equity.

STATEMENT OF THE CASE

Direct Broadcast Satellite "DBS" commercial license holders conspired to topple and did topple the legitimate United States Government from within.

The Federal Elections Commission "FEC" and the Federal Communications Commission "FCC" qualified this deposing operation and continue to conceal the strategic, tactical, economic, and political consolidation of this criminal group as in the meaning of, Title 18 U.S.C. § 1964 (a) (b) (c) (d).

This coup d' état consisted of the infiltration of a small, but critical segment of the federal apparatus, which

was then used to displace the influence of the rule of Law from the control of the remainder, thus armed force either military or paramilitary is not the defining feature of this coup d' é tat.

From the very top person in each federally licensed organization the decision was made to voluntarily disregard the duty to verify the 2008 campaign for the office of president of the United States.

Each DBS license holder set their agenda, staff, agents, trade associations up, and did use them.

Each broadcast enterprise continues in open defiance of their duties or consequences flouting their disregard for the rule of law at Petitioner and the legitimate government's expense.

During the 2008 election cycle, DBS license holders conspired to provide advertising to an unqualified

candidate for President of the United States. Under Federal Rules of Evidence, he is an illegal alien. Therefore the equal opportunities provisions of the Communication Act in this illegally manipulated state censored legally qualified candidates.

The FCC has the oversight responsibility to regulate DBS license holders who by law validate candidates for all public offices. Nevertheless, that fact does not remove the administrative responsibility resting on the FEC Title 2 Chapter 14 Subchapter 1 § 441h Fraudulent misrepresentation of campaign authority.

CASE SETTING

On October 8, 2008 the FEC threaten to report to the Department of Homeland Security that petitioner was a suspected terrorist. And that act catalyzed petitioner's Ex Parte Application filed in the District Court.

On October 14, 2008 petitioner filed an Ex parte Application with the United States District Court Eastern District of California.

October 21, 2008 Chief United States District Judge Anthony W. Ishii denied appellants ex parte application to All 50 States writing "It is unclear if Plaintiff has exhausted his administrative remedies".

Title 28 U.S.C. Sections 1331 & 1332, no hand that is placed on any of these documents can point to one piece of evidence supported by signature or affirmation given under the penalty of perjury to refute the claim that on January 20, 2009. The Chief Justice of the United States Supreme Court stood before the assembled host to swear or affirm into office an illegal alien as president of the United States.

At the time Direct Broadcast Satellite "DBS" license holders Direct TV and Dish Network first began

transmitting paid advertising on behalf of Candidates seeking public office. They were obligated to inform the public of the true identity of the advertisers. Title 47 C.F.R. §73.1212 Sponsorship identification 2 (e) fully and fairly disclose the true identity of the person. All commercial broadcast stations licensed through Federal Communication Commission "FCC" have the same license obligation including and not limited to Walt Disney Company, News Corporation, Viacom, Time Warner and all other legally bound broadcast stations that received money for transmitting an advertisement message.

When called in early January 2009, to come before the Supreme Court of the United States in Berg v. Obama No. 08-570 to defend the Rule of Law, neither the FEC nor the Solicitor General provided a legal comment or attempted to show any concern for statutory law whatsoever.

The FEC has taken every step necessary to conceal campaign fraud, wire fraud, mail fraud, money laundering and foreign government support.

As yet, no agency of government has been separated from this fraud placed before the nation. The Solicitor General also represents the FCC and the oversight responsibility Title 47 Code of Federal Regulations §73.1940 to legally qualify candidates for public office.

Title 18 United States Code § 1961-1968 Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal

The FEC submitted to the District Court's jurisdiction and venue when the FEC raised a defense by providing material to the Ninth Circuit District Court containing matter outside the pleadings. FEC

[Respondent's Exhibit 1] placed before the District Court and not excluded.

Petitioner requested, Equity Relief from the acts the law makes illegal in the form of revocation of each contributing commercial station's broadcast license for willful and repeated failure to operate substantially as set forth in their FCC agreement and Expedited Order transferring all relevant portions of this petition to the Federal District Court of Columbia, to be viewed in the light of Sections 16-3501, 16-3502, 16-3503 Quo Warranto the Constitutional means available to see a usurper in the 10 mile area of the District of Columbia removed.

Criminal Parties may not be immune from jurisdiction in the absence of a legally justifiable defense. Petitioner is praying that the United States Supreme Court follow the Federal Rules of Civil

Procedure specifically 12 (d) and weigh the merits of this case.

Title 47 U.S.C. § 312 Administrative sanctions (a) Revocation of station license..... (3) for willful or repeated failure to operate substantially as set forth in the license; (4) for willful or repeated violations of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter.

The duty to promote public confidence in the integrity and impartiality of the government applies to all including the discharge of judicial Equity.

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly the business of the court.

To promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expenses and delay is recommended by this suggested action to the Court for its consideration and adoption, modification or rejection in accordance with law.

This is an important case not a complicated case, under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

As the final arbitrator in what could be the finest moment of Anglo American Jurisprudence, shall the Supreme Court of the United States have a requital hearing?

Title 47 Code of Federal Regulations FCC Rules § 25.701 (b) (4) (iv) A candidate requesting equal opportunities of DBS providers or complaining of

noncompliance to the Commission shall have the burden of proving that he or she and his or her opponent are legally qualified candidates for the same public office, herein an impossible situation. Therefore the equal opportunities provisions of the Communication Act in effect censored all legally qualified candidates.

REASONS FOR GRANTING THE WRIT

OVERVIEW

Although, I, petitioner am not an attorney, I am embarrassed to be a witness in what remains the role of the government in supporting this ongoing racketeering activity.

The lower courts chose not to follow Federal Rules of Civil Procedure because all the material facts point to the validation of petitioner's claim and that claim

defies the international totalitarian bureaucratic agenda.

The most important asset a free people can have: Is the exchange of truthful information. In this event, the conspiring DBS monopoly used the goodwill and legitimacy associated with a restricted government regulated commodity. In the absence of the performance of statutory duty willful torts as in 28 U.S.C. § 2674 executed a failure of two key federal agencies of Government allowing DBS Broadcasters undisturbed commercial propaganda control.

VENUE AND PROCESS

18 U.S.C. § 1965 Venue and process

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any

district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require ... court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

18 U.S.C. § 1964 Civil remedies

(a) The district courts of the United States shall have jurisdiction to prevent and restrain

violations of section 1962 of this chapter by issuing appropriate orders,

IMPORTANCE OF THE ISSUES

This attack against the United States of America is a per se violation against petitioner and the rule of law.

Without the unlawful acts of the commercial, DBS License Holders who received paid advertising from an unqualified campaign, this planned attack against petitioner, and the rule of law would not have been. DBS License Holders as a group voluntarily united to transgress the law and exalt themselves above the Constitutional foundation of the United States of America. DBS station propaganda has trampled the minds of the people and alienated many from the concept of liberty.

The decisions of the Supreme Court of the United States are binding on all courts in all jurisdictions for matters of constitutional and federal law. The Ninth Circuit Appeals Court did not base its opinion on facts, but chose a political escape, and is not a statement of a decision. A literal decision based on the facts and the holdings in this important case.

Can the Supreme Court of the United States be moved to consider the question? Why has the court refused to examine high crimes the Law makes criminal and denied due process?

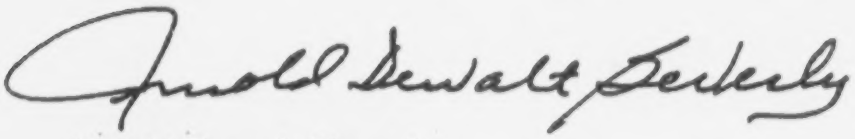
CONCLUSION

Petitioner prays that the Court grant a writ of certiorari, summarily vacate the order below and remand this case for further proceedings in light of 28 U.S.C. §§ 1331, 1332; 18 U.S.C. § 1964 (a) (b) (c) (d) and the failure to perform statutory duties on the part of

federal agencies of Government, within the meaning of 28 U.S.C. §2674.

Eligibility is a fundamental issue free of favoritism, bias or impartiality.

Respectfully submitted, December 8, 2009



Arnold Dewalt Beverly

Petitioner

APPENDIX

TITLE 18 > PART I > § 2

§ 2. Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, or induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

TITLE 18 > PART 1 > CHAPTER 96 > §1962

§1962 Prohibited activities (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity.

TITLE 18 > PART 1 > CHAPTER 96 > §1964

§1964. Civil remedies (a) The district court of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefore in any appropriate United States district court and shall recover three fold the damages he sustains and the cost of the suit.

Article II Section 1, Eligibility Requirements for the office of President: No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of the Constitution, shall be eligible to the office of President;

Federal Rules of Civil Procedure Rule 12 (d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12 (b) (6) or 12 (c), matters outside

the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Title 47 Code of Federal Regulations FCC Rules §73.1212 Sponsorship identification (a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce: (1) That such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) By whom or on whose behalf such consideration was supplied...(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such

licensee to make the announcement required by this section. (e) The announcement required by this section shall, in addition to the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person...

§73.1940 Legally qualified candidates for public office. (a) A legally qualified candidate for public office is any person who: (1) Has publicly announced his or her intention to run for nomination or office; (2) Is qualified under the applicable local, State or Federal law to hold the office for which he or she is a candidate; and (3) Has met the qualifications set forth in either paragraph (b), (c), (d), or (e) of this section.

§25.701 – Public interest obligations. (b) Political broadcasting requirements- (4) (iv) Burden of proof. A candidate requesting equal opportunities of DBS providers or complaining of noncompliance to the Commission shall have the burden of proving that he or

she and his or her opponent are legally qualified candidates for the same public office.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 09-15562 D.C. No.1:08-cv-01538-AWI-GSA Eastern District of California Fresno Order before KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

Appellant's petition for rehearing en banc is construed as a motion for reconsideration en banc of this court's July 1, 2009 order summarily affirming the district court's judgment. So construed, the motion is denied on behalf of the court. See 9th cir. Gen Ord. 6.11.

No further filings shall be accepted in this closed case.

Filed Sep 30, 2009

Title 47 U.S.C. § 312 Administrative sanctions (a) Revocation of station license..... (3) for willful or repeated failure to operate substantially as set forth in the license; (4) for willful or repeated violations of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter.

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SUPPLEMENTAL APPENDIX

ARNOLD DEWALT BEVERLY

P.O. Box 1203 Bakersfield CA 93302

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SUPPLEMENTAL APPENDIX INDEX

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

No.1:08-cv-01538-AWI-GSA Eastern District of California Fresno Order before CHIEF UNITED STATES DISTRICT JUDGE ANTHONY W. ISHII ORDER DENYING EX PARTE APPLICATION AND ORDER TO ALL STATES.

On October 14, 2008, Plaintiff filed a document entitled "EX PARTE APPLICATION AND ORDER TO ALL STATES". Plaintiff states that time is of the essence in this matter. While Plaintiff does not state the procedural basis for his motion, it appears that he seeks some form of a temporary restraining order or preliminary injunction.

Preliminarily, the court notes that Plaintiff is asking for an ex parte order. Pursuant to Rule 65(b), Federal Rules of Civil Procedure, a temporary restraining order may be granted without notice to the adverse party

only if: 1) it clearly appears from specific facts shown by affidavit or verified complaint that immediate and irreparable injury, loss or damage will result before the adverse party can be heard in opposition, and 2) the applicant or the applicant's attorney certifies the reasons that notice should not be required. Plaintiff has not met this standard. Plaintiff has offered no reason why Defendant cannot be given an opportunity to respond to Plaintiff's request. Thus, Plaintiff's ex parte motion fails on its face.

Rule 65 of the Federal Rules of Civil Procedure allows for the issuance of a preliminary injunction as a provisional remedy. The legal principles applicable to a request for preliminary injunctive relief are well established. To prevail, the moving party must show either : "(1) a likelihood of success on the merits and the possibility of irreparable injury; or (2) that serious questions going to the merits were raised and the balance of hardships tips sharply in its favor." Walczak v. EPL Prolong, Inc., 198 F3d 725,, 731 (9th Cir. 1999);

Oakland Tribune, Inc. v. Chronicle Publishing Company, Inc., 762 F.2d 1374, 1376 (9th Cir. 1985).

While Plaintiff's motion, declaration, and exhibits are unclear, it appears Plaintiff seeks a court order that orders all fifty states to give sufficient public notice to all voters that if they cast a write-in vote for Plaintiff as President of the United States their vote will be counted. Plaintiff then provides documents indicating that Plaintiff has tried to announce his write-in candidacy through regular media outlets, but these outlets have refused Plaintiff's press release because it appears too exact revenge or harm a person or group. Plaintiff appears to have asked Defendant for help in announcing his candidacy, but Defendant has not responded to Plaintiff's request.

Based on the confusing documents before the court, the court finds that Plaintiff has not shown a likelihood of success on the merits or even serious questions going to the merits of his case. It is unclear how this court has personal jurisdiction to make any order concerning

a state other than California. It is unclear how this court has subject matter jurisdiction to force Defendant to announce his candidacy. It is unclear if Plaintiff has exhausted his administrative remedies or if any exception to exhaustion occurs. It is unclear if Plaintiff even has a right to have Defendant announce his candidacy. Thus, no temporary restraining order or preliminary injunction can be issued at this time.

Accordingly, Plaintiff's ex parte application is DENIED.

IT IS SO ORDERED.

Dated: October 21, 2008 /s/ Anthony W. Ishii

CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

ARNOLD DEWALT BEVERLY,
Plaintiff,
v.
FEDERAL ELECTIONS COMMISSION,
Defendant.

Currently pending before the Court is defendant Federal Election Commission's ("FEC") motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The complaint in this case is vague, but essentially appears to be an ex parte application for injunctive relief based on Defendant's failure to assist Plaintiff in announcing his write-in candidacy for President of the United States. See Court's Docket Doc. No. 1. The Court denied the application. Subsequently, Plaintiff moved for partial summary judgment based on the FEC's refusal to act on his telephone calls and threat against Plaintiff to stop calling. See Court's Docket Doc. Nos. 6, 10. Plaintiff filed a further memorandum regarding partial summary judgment that was similar to the

first memorandum, but included a discussion relating to government oversight and the natural born citizenship status of the President of the United States. See Court's Docket Doc. No. 23.

The FEC filed a motion to dismiss in December 2008. See Court's Docket Doc. No. 18. The FEC argues that to the extent Plaintiff complains of a lack of action/failure to investigate, such claims may only be brought in the District of Columbia, as per 2 U.S.C. § 437g(a)(8). The FEC also argues that, to the extent Plaintiff is attempting to allege a different cause of action, he has identified no statute that waives sovereign immunity.

On January 21, 2009, Plaintiff filed an application for appointment of independent counsel. See Court's Docket Doc. No. 29. Plaintiff addresses the FEC's motions to dismiss and seems to argue that he wishes to pursue a RICO claim (18 U.S.C. § 1961 et seq.). See id. Dismissal of this case is appropriate. First, to the extent Plaintiff claims the FEC failed to act on or

investigate his administrative claim, such a claim must be brought in the Federal Court for the District of Columbia. See 2 U.S.C. § 437g(a)(8); Berg v. Obama, 574 F.Supp.2d 509, 525 (E.D. Pa. 2008); Beam v. Gonzales, 548

F.Supp.2d 596, 611-12 (N.D. Ill. 2008); Salo v. FEC, 2007 U.S. Dist. LEXIS 30855, 1-2 (E.D. Cal. Apr. 26, 2007). Although the complaint is bare of allegations regarding RICO and thus fails to state such a claim, to the extent that Plaintiff may be attempting to bring a RICO claim against the FEC, such a claim is improper. "Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit." FDIC v. Meyer, 510 U.S. 471, 475 (1994). Courts have held that RICO does not waive the sovereign immunity of the United States. See Peoples v. Wells Fargo Bank, 2008 U.S. Dist. LEXIS 8832, *7 (D. Nev. January 18, 2008); Jones v. Nat'l Commun. & Surveillance Networks, 409 F.Supp.2d 456, 466 (S.D. N.Y. 2006); Donahue v. FBI, 204 F.Supp.2d 169, 173-74 (D. Mass.

2002); Andrade v. Chojnacki, 934 F. Supp. 817, 831 (S.D. Tex. 1996); McMillan v. Department of the Interior, 907 F. Supp. 322, 326 (D. Nev. 1995); cf. McNeily v. United States, 6 F.3d 343, 350 (5th Cir. 1993) (the United States may not be a proper defendant in a RICO suit); Berger v. Pierce, 933 F.2d 393, 397 (6th Cir. 1991) (same); Peia v. United States Bankr. Courts, 152 F.Supp.2d 226, 234 (D.Conn. 2001) (same). Plaintiff cannot maintain a RICO claim against the FEC. Plaintiff has failed to establish jurisdiction and dismissal is appropriate.

Signed: January 27, 2008 /s/ Anthony W. Ishii

CHIEF UNITED STATES DISTRICT JUDGE

Accordingly, IT IS HEREBY ORDERED that: Defendant's Rule 12(b)(1) motion is GRANTED and this case is DISMISSED; All other pending motions are DENIED; and The Clerk shall CLOSE this case.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 09-15562 D.C. No.1:08-cv-01538-AWI-GSA Eastern District of California Fresno Order before KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

A review of the record demonstrates that this appeal may be appropriate for summary disposition because the questions on which the decision in the appeal depends may be so insubstantial as not to justify further proceedings. Within 21 days from entry of this order, appellant shall show cause why the judgment in this appeal should not be summarily affirmed.

Filed April 07, 2009

Supreme Court U.S.
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On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

SUPPLEMENTAL BRIEF FOR WRIT OF CERTIORARI

ARNOLD DEWALT BEVERLY

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[702] 418-7710 *ProSe*

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News GetWith us ComeSee tv/-Addicts SaveWith Info

SUPPLEMENTAL QUESTION PRESENTED FOR REVIEW

Will the federally regulated DBS commercial media outlets be able to persuade this court to continue their praise and worship services to a usurper regime?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

SUPPLEMENTAL BRIEF FOR WRIT OF CERTIORARI

Petitioner, Arnold Dewalt Beverly, respectfully files a supplemental brief calling attention to a new case of intervening matter not available at the time of petitioner's filing, in support of writ of certiorari to be issued for review in the procedure below.

OPINION

On January 21, 2010, the Court reached a decision and held that 2 U.S.C. Chapter 14, Subchapter I, Section 441b's prohibitions on corporate and union independent expenditures is a ban on speech which violates the Fist Amendment. Hence, 441b's restrictions on such expenditures are invalid. The Court reasoned that the First Amendment has its fullest most urgent application to speech uttered during a campaign for political office. Discussion of

public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. For these reasons political speech must prevail against laws that would suppress it, whether by design or inadvertence.

STATEMENT

Direct Broadcast Satellite "DBS" commercial license holders conspired to topple and did topple the legitimate United States Government from within. During the 2008 election cycle, commercial license holders agreed to not perform their legal duty.

Commercial license holders continue to design and distribute content to subvert the purpose of statutory Law.

FCC has the oversight responsibility to regulate DBS license holders who by law are required to validate candidates for all public offices. Resting on the FEC Title 2 Chapter 14 Subchapter 1 § 441h, Fraudulent misrepresentation of campaign authority.

Each broadcast enterprise continues in open and hostel defiance of their duties or consequences.

The FEC and the FCC qualified this deposing operation and continue supporting the effect of their actions.

The rights to speech and petition are enshrined in the First Amendment to the United States Constitution. Free speech and healthy debate are vital to the well-being of a democracy. This Court has said that the right to petition the government is the very foundation of our democracy.

The FEC's threat of personal attack did diminish petitioner's public participation. Both the FEC and the FCC continue to aid and abet the commission of this crime promoted by the licensed commercial media regulated by the FCC.

FACTS

October 1, 2008 petitioner received notice that campaign ad fees would be returned.

October 2, 2008 petitioner's second paid campaign advertising source also canceled.

October 21, 2008 Chief United States District Judge Anthony W. Ishii denied petitioner's ex parte application writing "It is unclear if Plaintiff has exhausted his administrative remedies".

Title 28 U.S.C. Sections 1331 & 1332, A Federal Question rose from the district court ex parte denial and was the cause for petitioner's motion requesting Summary Judgment place before the district court and served with Respondent's Summons.

FCC has a complaint process that includes the complainant waiting quietly six months. FEC has a quicker response sequence.

Chief United States District Judge Anthony W. Ishii was not presented with administrative policy details surrounding the production of Exhibit A, which was provided with the ex parte complaint to establish that petitioner had exhausted all possible administrative remedies before looking to the court for relief.

This proceeding involves a question of exceptional importance and substantially affects a rule of national application in which there is an overriding need for

national uniformity. FRCP 12 (d); Result of Presenting Matters Out-side the Pleadings: If, on a motion under Rule 12 (b) (6) or 12 (c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

The FEC submitted to the Federal District Court's Jurisdiction once respondent provided Exhibit "1", and further construed a moot request for change in venue.

PROTECTION OF THE INNOCENT

This court may at any time during the course of deliberation call upon the Secret Service and request a full fraud investigation.

Principals controlling respondent's agenda will produce a series of robust distractions in an attempt to take attention away from this suggested court action.

Petitioner is subject to reprisals from government officials and or private parties.

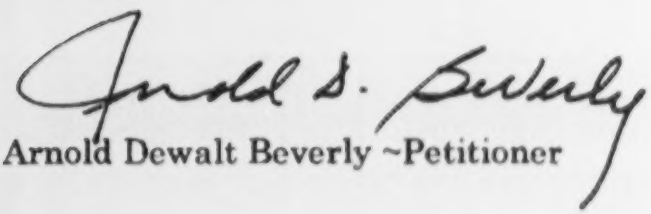
CONCLUSION

The most precious possession petitioner has is a promise. Right of that is the covenant within the Constitution of the United States.

Eligibility is a fundamental issue free of favoritism, bias or impartiality.

Respectfully submitted:

February 13, 2010



Arnold Dewalt Beverly ~Petitioner